

AO 91 (Rev. 08/09) Criminal Complaint

111

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

David E. Fairchild
390 E. Main St.
Kirkersville, OH 43033

Case No.

2:18-mj-75

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 1/19/28 to 2/2/18 in the county of Licking County in the
Southern District of Ohio, the defendant(s) violated:*Code Section*
18 U.S.C. 2251(a)*Offense Description*
Production of child pornography: use of a minor engaged in sexually explicit conduct for the purpose of producing a visual depiction of such conduct

18 U.S.C. 2252 and 2252A

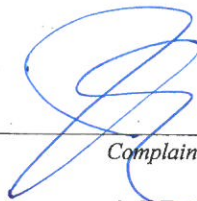
Receipt and possession of child pornography

18 U.S.C. 2260A

Commission of a specified felony offense against a minor by a registered sex offender

This criminal complaint is based on these facts:

See attached affidavit incorporated herein by reference

☒ Continued on the attached sheet.
Complainant's signatureJeff Zech, HSI TFO
Printed name and title

Sworn to before me and signed in my presence.

Date: 02/02/2018
Judge's signatureCity and state: Columbus, OhioKimberly A. Jolson, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT, EASTERN DIVISION OF OHIO

In the Matter of the Criminal Complaint for:

United States of America

v.

David E. Fairchild

390 E. Main St.

Kirkersville, OH 43033

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Task Force Officer (TFO) Jeff Zech, being first duly sworn, hereby depose and state as follows:

1. I am a Task Force Officer (TFO) with the Immigration and Customs Enforcement, Homeland Security Investigations (HSI), assigned to the Franklin County Internet Crimes Against Children (ICAC) Task Force in Columbus, OH. I make this affidavit in support of an application for a criminal complaint against David FAIRCHILD, there being probable cause to believe that FAIRCHILD has committed violations of Title 18, United States Code, Sections 2251, 2252, 2252A and 2260A.
2. This affidavit is based upon your affiant's first-hand knowledge as well as conversations and coordinated efforts with other law enforcement agents. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, your affiant did not include each and every fact known concerning this investigation. Your affiant did not withhold any information or evidence that would negate probable cause. Your affiant has set forth only the facts that are believed to be necessary to establish probable cause that Jordan Price committed the violations listed above.
3. On January 31, 2018 your affiant received a CyberTip from the National Center for Missing and Exploited Children ("NCMEC"). The CyberTip was submitted to NCMEC by Google in regards to a digital video file depicting child sexual abuse being uploaded to Google from Google username "David TwistedBottomFreak Fairchild", email address "davidfairchild19@gmail.com". The CyberTip stated that a digital video file titled "Windows Media Player 1_19_2018 4_31_03 PM.mp4" was uploaded to Google¹ from username "David TwistedBottomFreak Fairchild", email address "davidfairchild19@gmail.com". Additionally, Google provided the IP address from which the digital video file of child sexual abuse was uploaded. The IP address reported by Google was 71.213.87.105, and the CyberTip indicated that the IP address geo locates² to the Kirkersville, OH area. Given this geolocation, the

¹ The CyberTip did not specify whether the video was uploaded to a Google Drive account, sent via e-mail, or otherwise indicate where specifically on Google's servers the video was located.

² Geolocation of an IP address is accomplished through online databases that can provide general location

CyberTip information was forwarded to your affiant.

4. Your affiant received and reviewed the digital video file titled "Windows Media Player 1_19_2018 4_31_03 PM.mp4" and confirmed the video file depicts child sexual abuse. The video depicts an adult male anally penetrating a juvenile child with his penis. The child appears to be approximately 2 years of age or younger.

5. Due to the Google username and gmail address provided in the CyberTip, your affiant conducted investigative research into individuals named David FAIRCHILD living in the Kirkersville, Ohio area. Your affiant observed through Ohio's online Sex Offender Registration and Notification system, eSORN, that David Ellis FAIRCHILD is a registered sex offender in Ohio and has a registered address of 390 E. Main St. Apartment B, Kirkersville, OH 43033. Additionally, your affiant located a Facebook social media account with the username David FAIRCHILD. Within this publicly accessible Facebook account, your affiant observed that the owner indicated that he resided in Kirkersville, Ohio. Additionally, your affiant observed several "selfie" photographs posted on the David FAIRCHILD Facebook account that are visually similar to eSORN registration photographs your affiant observed for the David FAIRCHILD residing at 390 E. Main St. Apartment B, Kirkersville, OH. Your affiant also observed in this Facebook account numerous pictures of a juvenile child sitting on the lap of an individual that appear to be FAIRCHILD. The child appeared to be substantially similar in approximate age, physical size, and complexion as the child depicted in the video file of child sexual abuse described above.

6. Your affiant contacted CenturyLink, the owner of IP address 71.213.87.105 at the time the child sexual abuse video was uploaded, with a request for emergency disclosure of subscriber information for the suspect IP address. CenturyLink provided the subscriber information of Troy Gilbert at 390 East Main St. Apartment A, Kirkersville, OH 43033.

7. Your affiant conducted investigative research into Troy Gilbert of Kirkersville, OH. Your affiant located publicly accessible social media accounts that appeared to belong to Gilbert, and observed within those accounts, numerous images of various juvenile children, one of whom appeared to be the same approximate age as the juvenile child being sexually abused in the video described above. Additionally, your affiant observed multiple pictures of these same children inside and outside a residence visually similar to 390 East Main St. Kirkersville, OH 43033.

8. On January 31, 2018, your affiant made personal contact with both Gilbert and FAIRCHILD at 390 East Main St. Apartment A, Kirkersville OH 43033. FAIRCHILD spoke with your affiant and admitted that he resided at 390 East Main St. Apartment A. During the time your affiant was at the residence, children could be could audibly heard playing inside the residence.

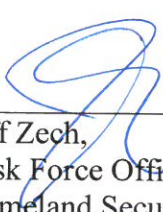
9. On February 2, 2018, a search warrant was executed at 390 E. Main Street, Apartments A and B, Kirkersville, Ohio. A digital video file titled "Windows Media Player 1_19_2018 6_03_51 PM.mp4" was located on a Dell Inspiron laptop computer that was located in FAIRCHILD's bedroom at 390 E. Main Street, Apartment A. This video depicts FAIRCHILD engaging in oral sex with a known juvenile child, born in March of 2016. FAIRCHILD'S face is visible in the video performing oral sex on the known juvenile child. Items observed within the background of the video are the same items observed within FAIRCHILD's bedroom within 390 E. Main Street, Apartment A. The file created date for the video is January 19, 2018.

10. Several additional videos and images that depicted prepubescent minors engaged in various sexual activity, including oral sex, anal sex and the lascivious display of the genitalia, were observed on FAIRCHILD's Dell Inspiron Laptop computer. Your affiant interviewed FAIRCHILD, and FAIRCHILD admitted to seeking out and viewing child pornography through various online sources.

11. The Dell laptop computer on which all of these child pornography files were located has an imprint stating that it was made in China. It has therefore travelled in interstate or foreign commerce.

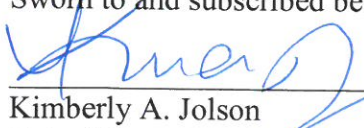
12. At the time of the commission of these offenses described above, FAIRCHILD was registered as a sex offender in Licking County, due to a 1997 conviction for attempted kidnapping, in violation of ORC § 2905.01

13. Based upon the foregoing information, your affiant submits that there is probable cause to believe that David FAIRCHILD has committed offenses in violation of 18 U.S.C. §§ 2251, 2252(a)(2), 2252A, and 2260A. Therefore, your affiant respectfully requests this court issue a criminal complaint and arrest warrant.



Jeff Zech,
Task Force Officer
Homeland Security Investigations

Sworn to and subscribed before me this 2nd day of February, 2018.



Kimberly A. Jolson
United States Magistrate Judge
Southern District of Ohio